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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE
Legal Subcommittee

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES

Report of the Secretary-General

Addendum

REPLIES RECEIVED FROM GOVERNMENTS

GERMANY

[Original: English]

[22 March 1991]

1. In oral interventions during previous sessions, the delegation of Germany has always stressed the need to establish a sound basis for the consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries. The present communication will therefore assess current international space law, followed by an outline of the state of domestic space law, and will conclude by focusing on the bilateral relations of Germany with developing countries in the field of outer space activities.

2. The basis of all outer space activities is laid down in the Outer Space Treaty of 1967, particularly with regard to international cooperation. Germany is a party to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, the Convention on International Liability for Damage Caused by Space Objects, the

Convention on Registration of Objects Launched into Outer Space and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space. Germany also considers the Principles Relating to Remote Sensing of the Earth from Outer Space to reflect correctly the current state of international law.

3. In Germany, space activities are mainly governmental activities. In 1989, the German space management was fundamentally restructured when the German Space Agency DARA was established. DARA is the central German space management agency which, along the lines set up by a high-ranking federal committee, drafts German space policy, runs German space programmes, awards industrial contracts and financial assistance and represents German space interests at the international level, especially in the European Space Agency (ESA).

4. So far, no space activities have been undertaken by private entities. Consequently, there is at present very little need for more national space law. However, as it is one of DARA's tasks to encourage private involvement in space activities, legislation governing these activities is expected to expand in the future.

5. Specific arrangements for Germany's participation in international space cooperation, under the umbrella of the Outer Space Treaty of 1967, include Germany's involvement in European space cooperation, in the framework of ESA. A highlight of Germany's participation in this European space cooperation was, of course, the signing of the Space Station agreement concluded by ESA member States, the United States of America, Japan and Canada. This agreement has been ratified by the German Parliament.

6. On the other hand, Germany has a long tradition of cooperating with developing countries on the basis of bilateral agreements. Some examples of particularly successful bilateral projects may serve to illustrate German efforts in this respect.

7. With Argentina, Germany concluded an agreement on cooperation in scientific research and technological development, which has been in force since October 1969. Under this agreement, several projects are under way, e.g. the remote-sensing projects on cloud observation in Argentina, the global change programme, and the Argentine multispectral scanner.

8. With Brazil, Germany concluded an agreement on cooperation in scientific research and technological development in June of 1969. Here again, projects in the area of remote sensing and meteorology deserve mention.

9. An agreement on scientific and technological cooperation with the People's Republic of China was concluded in 1979 and a special agreement between the German aerospace research establishment and the Chinese Academy for Space Technology on civil space research was signed in November 1984. Under this latter agreement, projects have been under way since 1988, of which six, in the fields of structural mechanics, remote sensing and space flight dynamics, have already been concluded. Three projects in remote sensing - two in structural mechanics and one in the field of satellite technology - are now under preparation.

10. Finally, there are two general agreements: with India on cooperation in the field of peaceful uses of nuclear energy and space research (October 1971) and on scientific research and technological development (March 1974). A special agreement between the Indian Space Research Organization and the German aerospace establishment concerning cooperation in the field of space research and technology of 12 August 1974 constitutes the framework for further bilateral cooperation. Under these agreements, the monocular electronic-optical stereo scanner (MEOSS), a remote sensing project of 1981 and the airborne 90 giga-hertz radiometer (ABREX) may be mentioned.

11. Two agreements with Indonesia deserve particular attention: the framework agreement between Germany and the Indonesian Republic on cooperation in scientific research and technological development (March 1979) and a special agreement between the Indonesian National Institute of Aeronautics and Space (LAPAN) and the German aerospace research establishment (DLR) on cooperation in the fields of satellite communication, remote sensing and wind energy (April 1980). Two projects, one, of 1981, on image data processing in the field of remote sensing and one, of 1988, on a low orbit experimental satellite, give concrete substance to these agreements.

12. As these few examples show, Germany has a longstanding and fruitful tradition of bilateral cooperation with developing countries. The bilateral cooperative agreements mentioned above implement the principle of cooperation laid down in the Outer Space Treaty of 1967. The unified Germany will continue this tradition.

13. Germany hopes that this review of international legislation, of national German legislation and of Germany's cooperative efforts will contribute to the fruitful work of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.